

Appl. No. 09/994,523  
Amtd. Dated Oct. , 2004  
Reply to Office Action of Sep. 9, 2004

**Remarks**

**Claim Rejections under 35 U.S.C. 112**

In response to the rejections, applicants have amended claim 18 by canceling the feature of "without involvement of any splitters".

**Claim Rejections under 35 U.S.C. 102**

Claims 1, 5, 13, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Mao et al. (US 6,149,278). In response to these rejections, applicants have amended claims 1, 13 and 18.

Regarding amended claims 1 and 13, these recite in pertinent part an optical attenuator comprising an input port, an output port, a fixed reflector and a movable reflector. The fixed reflector and the movable reflector receive signals output by the input port and reflect a portion of said signals into the output port. However, Mao's optical attenuator comprises a pair of substantially parallel mirrors to attenuate an optical signal between an input port and an output port. Therefore the optical attenuator of the present invention as recited in claims 1 and 13 is structurally distinguished from that disclosed in Mao. Applicants assert that the structure of the present invention is quite different from that of Mao, and that claims 1 and 13 are novel over this reference.

Furthermore, applicants assert that the optical attenuator defined in claims 1 and 13 of the present invention is unobvious in view of Mao. Unlike the pair of substantially parallel mirrors included in Mao's optical attenuator, the optical attenuator of the present invention has only one movable reflector. This makes the optical attenuator of the present

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invention simpler and easier to control. A person of ordinary skill in the art could not have derived from Mao the optical attenuator of the present invention. Thus claims 1 and 13 are unobvious over this reference.

Moreover, the current amendment to claim 13 is in compliance with Examiner's remarks under Allowable Subject Matter in the Office action dated Aug. 25, 2004. Therefore claim 13 should be allowable. Further, the current amendment to claim 1 involves incorporating the subject matter of claim 15 thereinto. Accordingly, applicants' position regarding claim 1 is supported by Examiner's remarks.

Regarding amended claim 18, the optical attenuator of the present invention defines the signals said detecting means receives from the input port being reflected from the first port. Differently, in Mao the signals the detecting means (130) receives from the input port (120) are transmitted (rather than reflected) with the involvement of one splitter. The instant invention essentially uses a different way to detect the signals compared with that of Mao. Accordingly, claim 18 as amended is believed to be unobvious and patentably distinguishable over Mao.

In summary, it is submitted that independent claims 1, 13 and 18 are patentable over Mao under 35 U.S.C. 102 and 103, and should be allowed. Therefore the corresponding dependent claims 5 and 17 should also be allowed.

### **Claim Rejections under 35 U.S.C. 103**

Claims 2-4, 6-12 and 16 are rejected as being unpatentable over Mao (US 6,149,278). In response to these rejections, applicants have amended claim 7.

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Regarding amended independent claim 7, this recites the feature of a fixed reflector in conjunction with a movable reflector. For reasons similar to those detailed above in relation to claims 1 and 13, it is submitted that said feature of claim 7 renders the claim unobvious and patentable over Mao under 35 U.S.C. 103. Further, the current amendment to claim 7 involves incorporating the subject matter of claim 15 thereinto. Accordingly, applicants' position regarding claim 7 is supported by Examiner's remarks under Allowable Subject Matter in said Office action.

As detailed above, independent claims 1, 7 and 13 are asserted to be patentable over Mao under 35 U.S.C. 103, and should be allowed. Accordingly, the corresponding dependent claims 2-4, 6, 8-12 and 16 should also be allowed.

Finally, the other references listed by Examiner in the Notice of References Cited also fail to disclose said unique features of the present invention as detailed above. Therefore, a fortiori, claims 1-13 and 16-18 should be allowable.

In view of the above amendments and remarks, the subject application is believed to be in a condition for allowance, and an action to such effect is earnestly solicited.

Respectfully submitted,

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